1	2	3	4	5	6
28.	Dadra & Nagar Haveli	—	—	—	—
29.	Daman & Diu	—	—	—	—
30.	Delhi	09	05	02	16
31.	Lakshadweep	—	—	—	—
32.	Pondicherry	—	—	01	01
33.	Chhattisgarh	01	04	03	08
34.	Jharkhand	01	04	06	11
35.	Uttaranchal	—	03	01	04
	TOTAL	127	165	183	475

Sexual harassment of women at their work place

844. DR. AKHILESH DAS : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether in the context of ever increasing incidence of rapes and other related crimes against women, Government have called for a review about implementation of the Supreme Court's directions for prevention of harassment and sexual abuse of women at place of work in different States and Union Territories;

(b) what guidelines were issued by the Apex Court in this regard;

(c) what steps have been taken by the Central and State Governments to enforce the same; and

(d) the number of cases of each type of abuse against women at place of work in each State and Union Territory since issue of guidelines?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI) : (a) A Central Committee headed by Secretary, Department of Women and Child Development has been constituted in the Department of Women and Child Development to monitor the implementation of the guidelines laid down by the Hon'ble Supreme Court to prevent sexual harassment of women at their work place.

(b) and (c) The guidelines and norms laid down by the Hon'ble Supreme Court and initiatives taken by the Government are at Statements I & II respectively. (*See* below)

(d) The Government does not receive complaints directly as these are to be dealt with by the Complaints Committees formed in various Ministries/Departments.

Statement-I

Guidelines and norms laid down by the Hon'ble Supreme Court in Vishaka & Ors. v. State of Rajasthan & Ors. [JT 1997 (7) SC 384]

HAVING REGARD to the definition of 'human rights' in Section 2(d) of the Protection of Human Rights Act, 1993, Taking note of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time.

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. **Duty of the Employer or other responsible persons in work places and other institutions:**

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or defer the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. **Definition :**

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as :

(a) Physical contact and advances;

(b) a demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing pornography;

(e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps :

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulation prohibiting sexual harassment and provide for appropriate penalities in such rules against the offender.

(c) As regard private employers steps should be taken to include the aforesaid prohibitions in the standing order under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in repsect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Criminal Proceedings:

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. **Disciplinary Action:**

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. **Complaint Mechanism:**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. **Complaints Committee:**

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor or other support service including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and persons in charge will also report on the compliance with the aforesid guidelines including on the reports of the Complaints Committee to the Government department.

8. **Workers' Initiative:**

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer/Employee Meetings.

9. **Awareness:**

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. **Third Party Harassment:**

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Right Act, 1993.

Statement–II

Initiatives taken by the Government to give effect to the guidelines laid down by the Supreme Court, which have the force of law under Article 141 of the Constitution of India.

* The Government have requested all the Central Ministries/ Departments, Chief Secretaries of all the State Governments/ Union Territory Administrations, Universities/Institutions, Central Board of Secondary Education, All India Council of Technical

Education to constitute complaints committees and ensure that the guidelines are implemented.

* NCW formulated a Code of Conduct for Work Place, putting down the Supreme Court's guidelines in a simple manner. The Commission has widely circulated this Code of Conduct to all State Commissions for women, Non-Governmental Organisations, the apex bodies of the Corporate Sector, Media, all Ministries and Departments, so that it percolates, down to the lowest functionaries and is complied with by all concerned. The NCW has also instituted a series of interactive meetings with Public Sector Undertakings/Banks/Universities/Educational Institutions/Hotels/Media etc. to assess the extent of implementation of the guidelines.

* A Central Committee headed by Secretary, Department of Women and Child Development has been constituted in the Department of Women and Child Development to ensure that the complaints committees are constituted and the guidelines are implemented by all concerned.

* Central Civil Services (Conduct) Rules have been amended to include sexual harassment as a prohibited conduct.

* Amendments have been made to the Industrial Employment (Standing Orders) Act, 1946 so that sexual harassment of woment at work place in the private sector could constitute an offence for which a workman is liable for disciplinary action.

Sexual harassment

845. SHRI A. VIJAYARAGHAVAN: Will the Minster of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the guidelines prescribed by the Supreme Court in the Vishaka Judgment are not being followed by many Government department/universities/educational institutions in the Public and Private Sectors and professional bodies;

(b) if so, whether the Government have evolved any effective measures to implement and evaluate the guidelines of the Supreme Court and the